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March 3, 2011

Ms. Christy DeVore, P.E.  
Professional Engineer II  
Florida Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation  
New Source Review  
2600 Blair Stone Road, MS #5505  
Tallahassee, FL 32399-2400

Re: Permit No. 0530021-021-AV, Incorporation of Permit No.'s 0530021-009-AC (PSD-FL-351), 0530021-015-AC, 0530021-018-AC and 0530021-020-AC – Line No. 2; Permit Revisions 0530021-022-AC and 0530021-026-AC for Line No. 1, Brooksville South Cement Plant

Dear: Ms. DeVore:

Please find enclosed the original affidavit as proof of publication for the Notice of Intent To Issue, revised Title V Permit No. 0530021-021-AV. The article was published in the legal section of the St Petersburg (Hernando & Citrus County addition) on February 26, 2011.

Should you have any questions and/or comments concerning this submittal or require additional information, please contact me at 352-799-7881 or [gtownsend@cemexusa.com](mailto:gtownsend@cemexusa.com).

Respectfully,

George Townsend  
Environmental Manager

pc: James S. Daniel, Plant Manager  
Max Lee, P.E., Koogler & Associates

All w/o Attachment

D:\Documents and Settings\gtownsend\My Documents\Brooksville South\K1, K2 & CP&L Draft Permit 0530021-021-AV\Proof of Publication Submittal 03032011.doc

**Brooksville South Plant**

10311 Cement Plant Rd, Brooksville, FL 34601. USA, (352) 799-7881, Fax (352) 799-6088

# St. Petersburg Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA  
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **D. Almeida** who on oath says that he/she is **Legal Clerk** of the **St. Petersburg Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: Project No. 0530021-021-AV NOI Air Permit** was published in said newspaper in the issues of **Classified Hernando & Citrus**, 2/26/2011.

Affiant further says the said **St. Petersburg Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*D. Almeida*

Signature of Affiant

Sworn to and subscribed before me  
this 28th day of February A.D.2011



*Mary Fanter*  
Signature of Notary Public

Personally known  or produced identification

Type of identification produced \_\_\_\_\_

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## PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation  
Title V Air Operation Permit No. 0530021-021-AV

CEMEX Construction Materials Florida, LLC (CEMEX)  
South Brooksville Cement and Power Plants  
Hernando County

**Applicant:** The applicant for this project is CEMEX Construction Materials Florida, LLC. The applicant's authorized representative and mailing address are: Mr. James S. Daniel, Plant Manager, CEMEX Construction Materials Florida, LLC, 10311 Cement Plant Road, Brooksville, Florida 34601.

**Facility Location:** CEMEX operates the existing South Brooksville Cement and Power Plants, which are located in Hernando County at 10311 Cement Plant Road in Brooksville, Florida. Enclosed is the draft permit package to revise the Title V air operation permit for the facility.

**Project:** The applicant applied on April 30, 2009 (complete August 19, 2010) to the Department for a Title V air operation permit revision. The purpose of this permit revision is to incorporate air construction permit No. 0530021-009-AC (PSD-FL-351) for Portland Cement Line 2 and subsequent modifications 0530021-015-AC, 0530021-018-AC and 0530021-020-AC; also, revisions to Portland Cement Line 1 established in Air Construction Permit Nos. 0530021-022-AC and 0530021-026-AC.

**Permitting Authority:** Applications for Title V air operation permits for facilities that contain acid rain units are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft permit by visiting the following website: <http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Permit:** The Permitting Authority gives notice of its intent to issue a revised Title V air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a proposed permit and subsequent final permit in accordance with the conditions of the draft permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the draft Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the draft permit, the Permitting Authority shall issue a revised draft permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available for this proceeding.

**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm> 2/26/2011.

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